

The following entry of *Buck v. Bell* (1927) of the Encyclopedia Virginia (Is a Publication of [vfh](#) Virginia Foundation for the Humanities in partnership with Library of Virginia) was contributed by [Brendan Wolfe](#) (http://encyclopediavirginia.org/Buck_v_Bell_1927#start_entry)

"In *Buck v. Bell*, decided on May 2, 1927, the U.S. Supreme Court, by a vote of 8 to 1, affirmed the constitutionality of [Virginia's law](#) allowing state-enforced sterilization. After being raised by foster parents and allegedly raped by their nephew, the appellant, [Carrie E. Buck](#), was deemed feeble-minded and promiscuous. In 1924, Buck was committed to the Virginia State Colony for Epileptics and Feeble-Minded, near Lynchburg, and there ordered sterilized. The Virginia law allowing the procedure had been passed in 1924 and responded to fifty years of scholarly debate over whether certain social problems, including shiftlessness, poverty, and prostitution, were inherited and ultimately could be eliminated through selective sterilization. Looking to test the law's legality before engaging in widespread sterilization, the colony superintendent, Albert S. Priddy, made sure his order was appealed. The Amherst County Circuit Court and the Virginia Supreme Court of Appeals both ruled in the colony's favor, and in 1927 the U.S. Supreme Court agreed. In an infamous opinion, Oliver Wendell Holmes Jr. noted that Carrie Buck, her mother, and her daughter were all suspected of being feeble-minded, declaring, "Three generations of imbeciles are enough." The opinion was never overturned and led to a marked increase in sterilizations across the United States. At the Nuremberg Trials, Nazi defendants cited *Buck v. Bell* in their own defense. Virginia repealed the law in 1974 and in 2002 apologized to its victims.

Facts of the Case

The appellant in *Buck v. Bell* was Carrie Elizabeth Buck. Born on July 2, 1906, in Charlottesville, she was raised by foster parents John and Alice Dobbs from the age of three. In 1920, the authorities deemed Buck's biological mother, Emma Adeline Harlowe Buck, a "low grade moron" and promiscuous for having a child out of wedlock. They committed her to the Virginia State Colony for Epileptics and Feeble-Minded in Madison Heights, near Lynchburg. In 1923, Carrie Buck became pregnant, by her account as the result of rape committed by Clarence Garland, the Dobbs's nephew. Believing that the pregnancy was evidence of promiscuity and thus of feeble-mindedness, John and Alice Dobbs [petitioned a court](#) in Charlottesville to have Buck committed, [which it did](#) on January 23, 1924. She remained in Charlottesville with another foster family until the birth of her child, Vivian Alice Elaine Buck, on March 28, 1924. Then, with the Dobbs family taking custody of the infant, Carrie Buck joined her mother at the colony on June 4, 1924.

In March of that year, the General Assembly passed a law that allowed for the state-enforced sterilization of those deemed genetically unfit for procreation. On September 10, the colony's board approved a list of sixteen candidates recommended by Superintendent Albert Sidney Priddy for sterilization, [including](#)

Buck. Before he performed the surgeries, however, Priddy, a firm supporter of sterilization but also a cautious and methodical administrator, determined to test the law's constitutionality in the courts. To do this, he tabled all of the sterilization orders except for Buck's.

At Priddy's behest, Buck's state-appointed guardian, Robert G. Shelton, **appealed the sterilization order** to the Amherst County Circuit Court. Priddy hired Aubrey Strode, who had drafted the sterilization law, to defend the colony. Irving P. Whitehead, an experienced lawyer, a former colony board member, and a sterilization supporter, agreed to defend Buck. On November 18, 1924, Judge Bennett T. Gordon heard testimony in the case of *Buck v. Priddy*. Strode began by calling to the stand a Charlottesville nurse, three teachers, the superintendent of an Albemarle County orphanage, a welfare office clerk, and a man who claimed to be the brother-in-law of Buck's dead biological father. Only two of the witnesses had ever met Buck, and only one of them had interacted with her recently. A social worker stated that Buck was "obviously feeble-minded" and that her baby "had a look about it that is not quite normal."

Strode then called several expert witnesses who testified about the controversial science of eugenics. Dr. **Joseph Spencer DeJarnette**, superintendent of the Western Lunatic Asylum in Staunton, explained, "feeble-mindedness runs in families." Asked by Buck's attorney whether he had ever "trace[d] back along the lines of heredity to find out what was the beginning of the thing," he replied, "No, sir. Adam, I think, was a little off himself on some things." Arthur H. Estabrook, a eugenics researcher who had spent a single day interviewing and photographing Buck, her mother, and her child, concluded that they all were likely the product of "a defective strain."

Finally, Priddy testified that Buck was the perfect candidate for sterilization. She came from a family of feeble-minded people, he said, and, absent surgery, likely would give birth to "middle grade morons" like herself. Those children, including her child, Vivian Buck, would burden the state by requiring institutional care. But with surgery, Priddy said, Buck could be released into society, where with some supervision she could work and even marry, all without the danger of reproducing again.

The legal historian Paul A. Lombardo has noted that Whitehead did not aggressively cross-examine any of the witnesses. He failed to exploit significant weaknesses in their testimony, conceded contentious facts, and at times seemed to testify himself on behalf of sterilization. When Strode rested his case, Whitehead did not call a single witness. "A bystander might reasonably have reached the conclusion that there were two lawyers working for Dr. Priddy and none for Carrie Buck," Lombardo wrote in his history of the case, *Three Generations, No Imbeciles* (2008)

Priddy died of Hodgkin disease on January 13, 1925, and the following month Judge Gordon ruled in the colony's favor. The **written judgment**, released on April 13, 1925, found that Buck was "feeble-minded and by the laws of heredity [was] the probable potential parent of socially inadequate offspring"; as such, she should be sterilized. **John Hendren Bell**, the colony's new superintendent, was named to the suit in Priddy's place and the case was forwarded to the Virginia Supreme Court of Appeals.

Legal and Scientific Background

The order to sterilize Carrie Buck was founded on the belief that genetic abnormalities were an important cause of various social problems, from low intelligence and shiftlessness to promiscuity, prostitution, and other more serious crimes. At the turn of the century, Gregor Mendel's experiments with plant hybridization, performed in the mid-1800s, were receiving renewed interest from scientists. At the same time, Charles Darwin's half-cousin, Francis Galton, launched a movement in England based on the idea that humans could be bred in similar ways to plants and animals. (Galton coined the term "eugenics," meaning "well-born," in 1883.) The American Breeders' Association formed in the United States in 1903 and three years later established a committee on eugenics that became, in 1913, the American Genetic Association.

Scientists, medical doctors, and amateur eugenicists embarked on ambitious data-collection projects designed to prove their theories. Large statistical studies of institutional populations and family genealogies purported to demonstrate that mental illness and criminal tendencies were inherited. In a long article in the *Atlantic Monthly* in April 1875, Oliver Wendell Holmes Sr. argued that "crime can be shown to run in the blood." Two years later, the sociologist Richard L. Dugdale published *The Jukes: A Study in Crime, Pauperism, Disease and Heredity*. It focused on a single, pseudonymous family from New York and argued that heredity, while not the only cause, was one of the most important causes of crime. Arthur Estabrook updated the study in *The Jukes in 1915* (1916), and, in 1926, coauthored *Mongrel Virginians: The Win Tribe*, a study of racial mixing in the Blue Ridge Mountains.

Enthusiasm for eugenics coincided with the **Progressive Movement**, which assumed that society could be improved through laws that encouraged better human behavior. Although eugenic assumptions suggested that such reforms were futile, many Progressives nevertheless embraced the new field, seduced by its modern, scientific connotations. Eugenicists believed that African Americans, American Indians, poor people, criminals, prostitutes, and alcoholics all suffered from inferior genes, a theory that lent scientific credibility to widespread assumptions about white supremacy and informed Virginia's **Act to Preserve Racial Integrity** (1924).

Many scientists and sociologists recognized that links between crime and heredity were not yet sufficiently supported by evidence. Still, a number of states

moved quickly to pass sterilization laws, taking advantage of the relatively new procedures of vasectomy, for males, and salpingectomy, for females. By 1917, sixteen states—including, as of 1916, **Virginia**—had laws authorizing medical procedures on the institutionalized

While Virginia's 1916 legislation did not explicitly authorize sterilizations, it did authorize medical procedures that "tend to the mental and physical betterment of said patients," and sterilization sometimes resulted. This was especially true for the treatment of "chronic pelvic disorder," a procedure that Priddy claimed required cutting the fallopian tubes and that he performed most often on female patients of childbearing age who were about to be paroled, sometimes as a condition of their release. Twenty such women were sterilized by the end of 1916. Some of them were married and some were not immediately told that they could no longer bear children.

In 1917, George Mallory, of Richmond, sued the colony for \$5,000 in damages following the sterilization of his wife, Willie Mallory. He **contended** that Willie Mallory and one of their children, Nannie Mallory, had been detained, diagnosed as feeble-minded, and committed to the colony without the due process required by the 1916 law and that the sterilization procedure had been performed against the patient's will. In 1917 a jury accepted Priddy's argument that he had operated only out of medical necessity, and in 1918 the Virginia Supreme Court of Appeals upheld that decision but freed all members of the Mallory family yet detained.

The case had the result of making Priddy and other superintendents more cautious about following the letter of the law. In 1920, Aubrey Strode drafted two successfully passed bills designed to protect Priddy: one that required the state to cover legal costs for superintendents in cases such as *Mallory*, and another that retroactively deemed legal the commitments of all current inmates at state mental institutions. The 1924 law, meanwhile, explicitly authorized sterilizations and outlined a series of legal safeguards intended to insulate it from a successful legal challenge. With the *Buck* case, Priddy hoped to finally clear the way for an ambitious sterilization program founded on eugenic principles.

Appeals Process and Supreme Court

On November 12, 1925, the Virginia Supreme Court of Appeals upheld the Amherst County Circuit Court ruling in *Buck v. Bell*. The U.S. Supreme Court accepted the case for review in September 1926. In his long and detailed brief, Strode made three main arguments, anticipating longstanding objections by those who opposed eugenic sterilization: 1) Virginia's law did not impose cruel and unusual punishment; 2) the law afforded inmates due process of law; and 3) it represented a valid exercise of police power, which stemmed from the state's obligation to protect the public's health and safety. Strode emphasized that for Carrie Buck, sterilization would be a painless procedure that benefited her quality of life while also benefiting society at large. In addition, Buck was given

reasonable notice of the procedure, appointed a guardian, protected by the oversight of a state board, and afforded the right to appeal.

Whitehead's brief was less than half as long as Strode's. It conceded that Carrie Buck was feeble-minded while implying the same about her child. Citing the Fourteenth Amendment, he argued that sterilization deprived Buck of due process by violating "her bodily integrity" and of equal protection by targeting only a portion of the state's feeble-minded population. Finally, he suggested that the procedure's benefits to the patient remained unproven and, in fact, may have been a smokescreen intended to hide the government's intention "to rid itself of those citizens deemed undesirable according to its standards."

The Supreme Court heard oral arguments in *Buck v. Bell* on April 22, 1927, and then on May 2 delivered an 8 to 1 decision upholding the order to sterilize Carrie Buck and the law that authorized it. (Associate Justice Pierce Butler dissented but did not write an opinion.) The majority opinion, written by Oliver Wendell Holmes Jr., was just several paragraphs long. "We have seen more than once that the public welfare may call upon the best citizens for their lives," Holmes wrote. He continued:

"It would be strange if it could not call upon those who already sap the strength of the State for these lesser sacrifices, often not felt to be such by those concerned, in order to prevent our being swamped with incompetence. It is better for all the world if, instead of waiting to execute degenerate offspring for crime or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind."

Referring to the fact that various courts had found Emma Buck, her daughter Carrie Buck, and her granddaughter Vivian Buck all to have been feeble-minded, Holmes concluded, "Three generations of imbeciles are enough."

On October 19, 1927, John H. Bell, the colony's superintendent, performed a salpingectomy, sterilizing Carrie Buck. She was released from the institution a month later.

Legacy

The decision in *Buck v. Bell* was widely hailed in the press. The *Daily Progress* in Charlottesville called the Holmes opinion "a genuine classic" and praised its "progressive tendencies," while *Time* magazine described opponents of eugenics as "sentimentalists." In the decade that followed, seven states and Puerto Rico enacted sterilization statutes for the first time; others revised theirs to model Virginia's court-tested law. During those ten years, almost 28,000 Americans were sterilized, compared with 8,515 between the years 1907 and 1927. Between 1927 and 1972, about 8,300 Virginians were sterilized.

In England, where the eugenics movement had started, sterilization laws never took hold. "I do not say that the law ought not, at some future time, to be extended more widely," the philosopher Bertrand Russell wrote in *Marriage and Morals* (1929). "I say only that our scientific knowledge at present is not adequate for this purpose, and that it is very dangerous when a community allows its moral reprobations to masquerade in the guise of science, as has undoubtedly happened in various American States." Pope Pius XI, in an encyclical dated December 31, 1930, also opposed those who would "put eugenics before aims of a higher order."

Eugenics had been popular in Germany before World War II (1939–1945), and at the Nuremberg Trials in 1945–1946, prosecutors took aim at sterilizations performed in concentration camps "in the guise of scientific research." Multiple Nazi defendants cited *Buck v. Bell* and Holmes's decision in their own defense.

In the United States, meanwhile, *Buck v. Bell* was never overturned. In *Skinner v. Oklahoma* (1942), the U.S. Supreme Court outlawed sterilization as a punitive measure, something the Virginia law already was careful to repudiate. Virginia finally repealed its sterilization law in 1974, and on December 29, 1980, the American Civil Liberties Union sued the Lynchburg Training School and Hospital (previously the Virginia State Colony for Epileptics and Feeble-Minded) on behalf of the men and women who had been sterilized there. In *Poe v. Lynchburg Training School and Hospital* (1981), the U.S. District Court for the Western District of Virginia ruled that while the sterilizations had been legal, there was cause to believe that correct procedure had not always been followed. The plaintiffs later settled with the state out of court, with the state agreeing to attempt to locate all living persons who had been sterilized, to inform them of the consequences of the operation, and to provide them with counseling and medical treatment.

Historians have since found evidence that neither Carrie Buck nor her daughter suffered from any mental illness and that Bell's sterilization relied on a false diagnosis. Vivian Dobbs, Carrie Buck's daughter, was placed on the honor roll at her elementary school in 1931, a year before she died at the age of eight. Carrie Buck Eagle Detamore, who married twice, died in a nursing home in Waynesboro on January 28, 1983, and is buried in Oakwood Cemetery in Charlottesville. On May 2, 2002, the seventy-fifth anniversary of the *Buck* decision, Virginia governor Mark Warner apologized for Virginia's eugenics program, calling it "a shameful effort in which state government never should have been involved." A **state historical highway marker** was dedicated to *Buck v. Bell* in Charlottesville on that day."